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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOETTA MARIE HERNANDEZ.,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

No. 1:24-CV-00297 (GSA)

**STIPULATION AND ORDER FOR  
AWARD AND PAYMENT OF  
ATTORNEYS FEES PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE ACT  
(28 U.S.C. §2412(d))**

(Doc. 16)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Joetta Marie Hernandez (“Plaintiff”) be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the amount of six hundred and twenty-three dollars and seventy-eight cents (\$623.78). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments made shall be delivered to Plaintiff’s counsel via electronic transfer.

This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff’s counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

1 Dated: May 22, 2024

NEWEL LAW

2  
3 By: Melissa Newel  
4 Melissa Newel  
5 Attorney for Plaintiff  
6 JOETTA MARIE HERNANDEZ

7 Dated: May 22, 2024

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

9  
10 By: Franco L. Becia\*  
11 FRANCO L. BECIA  
12 (\*Authorized by email dated 05/21/2024)  
13 Special Assistant U.S. Attorney  
14 Attorneys for Defendant

15 **ORDER**

16 IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C.  
17 §2412(d), attorney fees in the amount of **six hundred and twenty-three dollars and seventy-**  
18 **eight cents (\$623.78)** be awarded subject to the terms of the Stipulation.

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20 IT IS SO ORDERED.

21 Dated: May 28, 2024

22 /s/ Gary S. Austin  
23 UNITED STATES MAGISTRATE JUDGE  
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